THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1505 OF 1996

Dated 23rd February 2006

Between:

Ameena Begum W/o.Mohd.Nooruddin.

…Petitioner

And

The Municipal Corporation of Hyderabad,

Through its Commissioner at Tank Bund Road,

Hyderabad & others

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.1505 OF 1996

O R D E R:

This writ petition is filed, with a prayer to declare the inaction of the respondents 3 and 4, in passing the award, in pursuance of the notification dated 24.10.1990, issued under Section 4(1) of the Land Acquisition Act, (for short "the Act"), and for consequential direction to them, to pass the award and pay compensation to the petitioner.

Petitioner claims to be the owner of the land in Sy.Nos.9/14 and 9/16. It is stated that during the life time of the husband of the petitioner, negotiations have taken place,

and the respondents agreed to acquire the land, by following the procedure prescribed under the Act. The husband of the petitioner died in 1981. Thereafter, petitioner filed W.P.No.5318 of 1987, for issuance of directions to the respondents, in relation to the land. The writ petition was disposed of on 8.11.1988, with a direction to the respondents, to finalise the matter.

Acting in compliance with the directions issued by this Court in W.P.No.5318 of 1987, the respondents issued a notification under Section 4(1) of the Act and published the same in the A.P. Gazette, dated 24.10.1990. The petitioner contends that she participated in the enquiry under Section 5-A of the Act, and thereafter, no further steps have been taken by the respondents.

In the counter affidavit filed on behalf of the respondents, it is stated that though notification under Section 4(1) of the Act was issued, in compliance with the directions issued by this Court, during the course of verification, it emerged that the land in question belonged to the Government itself, and in that view of the matter, no declaration under Section 6-A of the Act was published. Reference is made to several proceedings, in respect of that very land.

Heard the learned counsel for the petitioner and learned Government Pleader for Revenue.

Petitioner prays for a direction to the respondents, to pass an award, in pursuance of the notification dated 24.10.1990, issued under Section 4(1) of the Act. The necessity for an authority under the Act, to pass an award would arise, only if a declaration under Section 6-A of the Act is published. While the notification under Section 4(1) connotes the intention of the Government to acquire the land, the finality of such proposal becomes evident, only when a declaration is published under Section 6 of the Act. Even where a declaration under Section 6 was issued, Section 11-A of the Act mandates that if no award is passed within two weeks from the date of publication of such notification, entire proceedings would lapse. The situation becomes further fluid, when there does not exist any notification under Section 6 of the Act, at all. Therefore, the request of the petitioner cannot be acceded to.

Hence, the writ petition is dismissed. The dismissal of the writ petition does not, however, preclude the petitioner, to pursue her remedies, in accordance with law, in respect of the land in question. There shall be no order as to costs.

23rd February 2006

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